

60LT1103-1
GP3-0009

REMARKS

Claim Amendments

Claims 18 and 19 have been canceled without prejudice.

Claims 2, 5-11, 14-17, 20, 21, 23, 26, and 38 have been amended to include or further limit all of the limitations of claim 12, which should now be allowable. Specifically, claims 2, 5-11, 14-17, 20, and 21 have been amended to depend directly from claim 12, and claims 23, 26, and 38 have been amended to recite that the compatibilizing agent comprises a polyvinyl acetal. All of these amendments are supported by claim 12 as filed.

As a result of these amendments, all pending claims include or further limit all of the limitations of claim 12.

Provisional Nonstatutory Double Patenting Rejection

Claims 2, 3, 4, 9, 12, 13, 18-20, and 22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 4, 5, 6, 8, 19, 20, and 22-24 of copending U.S. Patent Application Serial No. 09/644,012 in view of Clough et al. (U.S. Patent No. 6,518,362). 5/18/05 Office Action, page 2, paragraph no. 2.

Applicants are submitting herewith a terminal disclaimer in compliance with 37 CFR § 1.321(c) to overcome the rejection. Applicants note that claims 12, 13, and 22, which were subject to the provisional double patenting rejection but not subject to the obviousness rejection discussed below, should now be allowable.

Applicants are also submitting herewith an information disclosure statement and PTO Form 1449 citing U.S. Patent Application Serial No. 11/031,399, which is a division of U.S. Patent Application Serial No. 09/644,012.

60LT1103-1
GP3-0009

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2-11, 14-21, 23-28, 33-35, 38, and 39 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,518,362 to Clough et al. ("Clough") in view of U.S. Patent No. 5,017,663 to Mizuno et al. ("Mizuno") and U.S. Patent No. 5,294,655 to Lee, Jr. et al. ("Lee").

Although Applicants continue to respectfully disagree with the Examiner's opinion that Clough and Mizuno are analogous art, Applicants have decided to amend their claims in order that allowable claims may issue without further delay. As explained in detail above, Applicants have amended their claims so that all pending claims include or further limit all of the limitations of claim 12, which is not subject to the present obviousness rejection. These amendments render the rejection moot, and rejected claims 2-11, 14-21, 23-28, 33-35, 38, and 39 should now be allowable.

60LT1103-1
GP3-0009

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,

CANTOR COLBURN LLP
Applicants' Attorneys

By: J. Michael Buchanan
J. Michael Buchanan
Registration No. 44,571

Date: June 7, 2005
Customer No.: 23413
Telephone: (860) 286-2929